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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,386	08/21/2003	Gerold Kloos	ZAHFRI P535US	8081
20210	7590	05/04/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C.			SCHINDLER, DAVID M	
FOURTH FLOOR				
500 N. COMMERCIAL STREET			ART UNIT	PAPER NUMBER
MANCHESTER, NH 03101-1151				2862

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,386	KLOOS ET AL.	
	Examiner	Art Unit	
	David Schindler	2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 January 2006 and 22 December 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 16-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 32, 33 and 35 is/are allowed.

6) Claim(s) 16-31 and 34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 December 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

1. This action is in response to the communication filed 1/23/2006 and 12/22/2005.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: Paragraph [035] on page 2 of the submitted specification changes appears to contain an error on the third to last line in the phrase "the lower release threshold S_o".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to Claim 16,

The phrase "an evaluation device for determining the speed of rotation of the rotating measuring body by determining when the amplitude of the speed output is one of greater than an upper release threshold and smaller than a lower release threshold" on lines 29-31 is unclear. The evaluation device does not appear to be determining the speed of the rotating measuring body by determining when the amplitude of the speed output is greater than an upper release threshold and smaller than a lower release

threshold. Note for example that the evaluation device issues a speed unequal to "zero" only when an amplitude of the speed output signal of the speed sensor is greater than the upper release threshold or smaller than the lower release threshold (see claim 17).

The phrase "provide at speed output" on lines 20-21 is awkward.

As to Claim 18,

The phrase on lines 5-9 is unclear. Specifically, the phrase "and a change in the air gap distance between the speed sensor and the rotating measuring body" on lines 7-9 appears to be redundant.

As to Claim 19,

The phrase "wherein, when as" on line 2 is awkward.

The phrase "the upper and a lower release thresholds" on lines 2-3 is awkward.

As to Claim 31,

The phrase in the last three lines of the claim is unclear. It is not clear what the phrase "that are specific to" on the second to last line refers to. Additionally, the phrase "relative to a change" on the second to last line is also unclear as it is not clear what is relative to a change.

As to Claim 34,

The phrase "the actual distance between the speed sensor and the measuring body represents an air gap between the speed sensor and the measuring body" on lines 2-3 is unclear.

Response to Arguments

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that paragraph [031] of the specification has been amended (see the submitted specification changes of 12/22/2005). Applicant has also amended paragraphs [032]-[037] and has stated the amended version of these paragraphs does not add any new subject matter (see lines 6-7 of page 3 of the Remarks). It appears that paragraph [031] was left out of this statement, and as such it is respectfully requested that applicant state, if proper and appropriate, that no new matter has been added with regard to paragraph [031].

Allowable Subject Matter

7. Claims 32, 33, and 35 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Schindler
Examiner
Art Unit 2862

DS



EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
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